

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF MISSISSIPPI

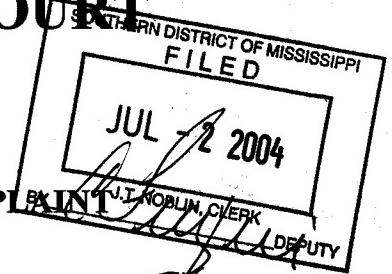
UNITED STATES OF AMERICA

v.

DAVID GARLAND ATWOOD II

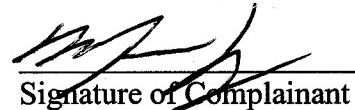
CRIMINAL COMPLAINT

CRIMINAL NO. 3:04M554



I, Marcus Jung, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. That on or about a date between August 29, 2003 and September 21, 2003, in Warren County, in the Western Division of the Southern District of Mississippi, and elsewhere the defendant David Garland Atwood II, did wilfully and knowingly transmit in interstate commerce from the State of Mississippi, to the State of Virginia, an electronic instant message communication to a victim, which electronic instant message communication contained a threat to injure the person of the victim that is, "that little house you have is gonna be burnt to the ground and one night as you walk out to your vehicle i am gonna be waiting there with a knife and I am gonna slice you from your belly to your throat", in violation of Title 18, United States Code, Section 875(c).

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the facts which are set out in the affidavit attached hereto and incorporated herein.



Signature of Complainant

Sworn to and subscribed before me:

July 2, 2004

Date

Jackson, Mississippi

City and State

Magistrate Judge
Name & Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I, Marcus Jung, Special Agent (SA), Federal Bureau of Investigation (FBI), 100 West Capitol Street, Jackson, Mississippi, being duly sworn, state:

1. I have been employed as a FBI Special Agent since November 7, 1999 and am currently assigned to the Jackson, Mississippi field office. Prior to my employment as an FBI Agent, I was employed as a police officer with the Baton Rouge, Louisiana Police Department for six and one half years. During my employment with the Baton Rouge Police Department, I investigated fraud and violent crime violations. I have received training in the investigation of white collar crimes at the FBI Training Facility, Quantico, Virginia. While employed by the FBI, I have investigated white collar crime, to include identity theft and interstate threatening communications and I have investigated violent crime matters.

2. This affidavit is made in support of an application for an arrest warrant in the name of DAVID GARLAND ATWOOD II (hereinafter referred to as ATWOOD), 5920 Fisher Ferry Road, Vicksburg, Mississippi, date of birth August 13, 1983.

3. I am the FBI agent assigned to the investigation of offenses described herein and am familiar with the facts and circumstances of the investigation referred to in this affidavit from information provided to me through oral and written reports by

other law enforcement officers.

Overview of the Criminal Offense

4. Based upon all of the facts recited in the paragraphs below, there is probable cause to believe that; Atwood transmitted in interstate commerce a communication containing a threat to injure the person of another, in violation of Title 18, United States Code, § 875(c) (Interstate Communications).

Investigative Efforts

5. On or about November 6, 2003, the Air Force Office of Special Investigations (AFOSI) was contacted by a victim, using the screen name of Cowboy..... (full screen name not listed here) who had questioned ATWOOD, via America Online (AOL) chat, as to his authenticity as an Air Force sergeant. This victim had viewed pictures, displayed on ATWOOD's AOL profile, which depicted ATWOOD dressed in an Air Force sergeant's uniform. Thereafter, an individual using a known screen name of ATWOOD, AFSOUTHERNBOY, sent Cowboy..... an e-mail with Cowboy.....'s correct home address on August 29, 2003. The victim subsequently received the following instant message from FLYSBOYSP, also a known screen name of Atwood: "You fucked with the wrong person allen, you really don't know who the fuck you fucked with. That little house you have is gonna be burnt to the ground and one night as you walk out to your vehicle i am gonna be waiting there with a knife and I am gonna slice you from your belly to your throat." The victim filed the initial complaint with the Loudoun County Virginia Sheriff's Office who prepared a written report on September 21, 2003.

6. On July 1, 2004, the Jackson Division of the FBI executed a search warrant authorized by James C. Sumner, United States Magistrate Judge, Southern District of Mississippi for the search of ATWOOD's residence located at 5920 Fisher Ferry Road, Vicksburg, Mississippi.

7. During this search, the FBI seized a America Online (AOL) "Request for Customer Information" issued by Ron McClelland, badge number 383, Jackson Police Department on August 28, 2003 for information concerning the screen name of Cowboy..... The request contained the telephone number for the Jackson Police Department; however, the facsimile number was listed as Vicksburg, Mississippi telephone number (601) 634-0762. The person submitting the form indicated the request was made pursuant to a "risk of person's life and safety."

8. In the results portion of "Customer Information" form, AOL indicates the screen name of Cowboy..... is assigned to the victim who resides in Virginia. On the back of the form, the directions to the victim's residence have been handwritten.

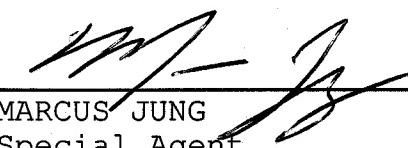
9. On July 2, 2004, a search of the internet website "Faces of the Nation" revealed ATWOOD is the subscriber for telephone number of (601) 634-0762.

10. On July 2, 2004, Ron McClelland, patrolman, Precinct Two, Jackson Police Department, Jackson, Mississippi advised he is acquainted with ATWOOD through ATWOOD's interest in becoming a police officer. McClelland further advised that he has never submitted a "Customer Information" form to AOL for screen name

information for Cowboy..... nor has he authorized ATWOOD to use his identity to submit any request for AOL information.

Conclusion

11. Based on the above information, I have probable cause to believe that DAVID GARLAND ATWOOD II, 5920 Fisher Ferry Road, Vicksburg, Mississippi; that between August 29, 2003 and September 21, 2003, ATWOOD; transmitted in interstate commerce a communication containing a threat to injure the person of another, in violation of Title 18, United States Code, § 875(c) (Interstate Communications). I respectfully request an arrest warrant be issued for ATWOOD.



MARCUS JUNG
Special Agent
Federal Bureau of Investigation

Subscribed to and sworn before me this 2 day of July 2004.



UNITED STATES MAGISTRATE
SOUTHERN DISTRICT OF MISSISSIPPI